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14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,) No.: CR 05-00507 WHA
17 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
18 v.) CONTINUING DATES FOR HEARING
19 BERNARD THOMAS, JR.,) AND [PROPOSED] ORDER EXCLUDING
20 Defendant.) TIME BETWEEN FEBRUARY 21, 2006
21) AND APRIL 11, 2006 FROM THE
22) SPEEDY TRIAL CALCULATION (18 U.S.C.
23) §§ 3161(h)(1)(F) and 3161(h)(8)(B)(iv))
24)
25) San Francisco Venue

26 STIPULATION

27 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
28 counsel that:

29 1. The parties have been in communication concerning defendant's motion for
30 discovery and disclosure of exculpatory evidence. The parties have also been engaged in on-
31 going settlement discussions. Counsel for defendant Thomas has requested the preparation of a

pre-plea criminal history report to aid in settlement discussions with her client.

2. That on February 15, 2006 counsel for the government contacted duty United States Probation Officer Ann Searles regarding the preparation of a pre-plea criminal history. That Ms. Searles indicated that two months would be sufficient to prepare such a report once ordered by the court.

3. That based on the need for this report, the defendant has agreed to a continuance of the motion until April 11, 2006, at 2:00 p.m. The government contacted counsel for the defendant on today's date and received her verbal authorization to enter the electronic signature below.

4. Accordingly, the hearing date on defendant's motion, currently scheduled for February 21, 2006 at 2:00 p.m., should be continued to **April 11, 2006, at 2:00 p.m.**

DATED:

KEVIN V. RYAN
United States Attorney

2/15/06

/S/
PHILIP J. KEARNEY
RICHARD J. CUTLER
Assistant United States Attorney

DATED: 2/15/06

/S/
ELENA CONDES
Counsel for defendant BERNARD THOMAS, JR.

STIPULATION AND ORDER CONTINUING DATES

ORDER

Based upon the above Stipulation, and for good cause appearing, THE COURT HEREBY ORDERS THAT:

The hearing date on defendant's motion for discovery and disclosure of exculpatory evidence is continued to **April 11, 2006, at 2:00 p.m.** and that the time between February 21, 2006 and April 11, 2006 is excluded from the speedy trial calculation pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and 3161(h)(8)(B)(iv)).

The United States Probation Office is also ordered to prepare a pre-plea criminal history for the defendant in preparation for the April 11, 2006 hearing date.

SO ORDERED.

DATED: February 16, 2006

